

Electric Orders - Issued 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE FILING BY OTTER TAIL
POWER COMPANY AND WHETSTONE VALLEY
ELECTRIC COOPERATIVE FOR APPROVAL OF
EXCHANGE OF RIGHTS AND PROPERTY**

) **ORDER APPROVING AGREEMENT FOR
EXCHANGE OF RIGHTS AND PROPERTY**

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EL97-010

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On May 16, 1997, the South Dakota Public Utilities Commission (Commission) received a joint petition from Otter Tail Power Company (Otter Tail) and Whetstone Valley Electric Cooperative (Whetstone) for the exchange of rights and property pursuant to SDCL 49-34A-55. The petition stated that Otter Tail will convey its electric distribution properties, service, and other rights, property, and assets in the City of Troy, South Dakota, in exchange for Whetstone's rights to serve a cable communications head-end building located in Whetstone's current service territory. The head-end building houses cable television equipment and is owned by an Otter Tail affiliate, Otter Tail Communication, SD, Inc. The head-end building is located on the following described property:

The West 550 feet of the North 680 feet of the Northeast Quarter of Section 13, Township 120 North, Range 49 West, Grant County, South Dakota.

The boundaries for the City of Troy are described as follows:

Starting from a center point between sections 7, 8, 17, and 18 of Troy Township of Grant County, R50W-T118N, thence due West 1980 feet (3/8 mile), thence due North 2640 feet (1/2 mile), thence due East 1980 feet (3/8 mile), thence due North 1320 feet (1/4 mile), thence due East 2640 feet (1/2 mile), thence due South 2640 feet (1/2 mile), thence due West 2640 feet (1/2 mile), thence due South 1320 feet (1/4 mile) to the starting point.

On June 24, 1997, a regularly scheduled meeting, the Commission considered the matter, along with comments from an Otter Tail representative. Four out of five Troy residents have been contacted and have consented in writing to the exchange of rights and property.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that approval of the agreement is in the public's interest. The Commission requested that the fifth resident of Troy be contacted regarding the matter. It is therefore

ORDERED that the request for approval of the agreement to exchange rights and property is hereby granted.

Dated at Pierre, South Dakota, this 2nd day of July, 1997.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

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